



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lynn B. Lunsford et al.

Art Unit : 1632

Serial No. : 09/909,460

Examiner : D. Nguyen

Filed : July 18, 2001

Title : MICROPARTICLES FOR DELIVERY OF NUCLEIC ACID

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO FINAL OFFICE ACTION DATED AUGUST 12, 2004

In reply to the Final Office Action dated August 12, 2004, applicants submit the following remarks.

REMARKS

Claims 1-36 and 51-80 are pending in the application. No amendments have been made by the present response.

35 U.S.C. § 103(a)

At pages 4-7 of the Office Action, the Examiner finally rejected claims 1-7 as allegedly unpatentable over either Mathiowitz, U.S. Patent No. 6,677,313 or Jones et al. (1996) Int'l Meeting on Nucleic Acid Vaccines ("Jones") taken with Rolland et al., U.S. Patent No. 6,040,295 ("Rolland") and Lee et al., U.S. Patent No. 5,908,777 ("Lee"). According to the Examiner, "[n]either Mathiowitz nor Jones teaches an incorporation of a lipid based

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